

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA)	
)	
v.)	No. 1:21-cr-41-JL
)	
ARIA DIMEZZO)	
_____)	

MOTION TO CORRECT ORDER OF FORFEITURE

The United States of America moves pursuant to Federal Rule 36 of the Rules of Criminal Procedure to correct ECF Document Number 305, captioned “Final Order of Forfeiture,” for the following reasons:

1. On April 25, 2023, the defendant, Aria DiMezzo, was sentenced on Count Three of a Superseding Indictment that charges her with operation of an unlicensed money transmitting business in violation of 18 U.S.C. § 1960. As part of the sentence, the defendant consented to the forfeiture of specific property. DN 302.
2. The government filed, and the Court granted, a motion for a preliminary order of forfeiture with respect to this property. DN 300, 305. The Court inadvertently styled the preliminary order of forfeiture as a final order of forfeiture. “Preliminary Order of Forfeiture” is the correct style for DN 305, as reflected in the draft order. Although preliminary orders of forfeiture are final as to defendants at sentencing, if the order directs the defendant to forfeit specific property, as it does in this case, it remains preliminary as to potential third parties. Fed. R. Crim. P. 32.2(b)(4)(A). When any ancillary proceedings end, or no third party files a timely petition, the preliminary order will become the final order of forfeiture. Fed. R. Crim. P. 32.2(c)(2).

WHEREFORE, the United States respectfully requests that the Court correct Document

Number 305 to reflect that it is a Preliminary Order of Forfeiture.

Respectfully Submitted,

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United States Attorney

Date: 5/1/2023

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